

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA

v.

DELILAH S. AMAYA,

Defendant.

Case No. 1:24-mj-121

UNDER SEAL

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Steve Donaghey, being first duly sworn, depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

2. I am a Postal Inspector with the United States Postal Inspection Service (“USPIS”), assigned to the Washington Division, and have been so employed since November 2016. I am currently assigned to the Mail Theft/Workplace Violence Team at the Merrifield, Virginia Domicile and have been assigned to investigations involving mail theft and other federal violations since April 2018.

3. In my capacity as a United States Postal Inspector, I investigate allegations of criminal fraud involving the use of the United States Mail. As a United States Postal Inspector and previously as a Special Agent for the USSS, I have gained experience investigating mail fraud, wire fraud, bank fraud, identity theft, investment fraud, credit card fraud, counterfeit securities,

currency, false identification documents, mortgage fraud, forgery, and identity theft. I have participated in search and seizure operations dealing with the foregoing criminal offenses.

4. This affidavit is being submitted in support of a criminal complaint and arrest warrant charging that, from in or around October 2021 through December 2021, DELILAH AMAYA did knowingly execute a scheme and artifice to defraud a financial institution, in violation of 18 U.S.C § 1344, Bank Fraud. AMAYA did so by depositing a counterfeit check containing stolen bank account information belonging to a business located within the Eastern District of Virginia, into an unwitting subject's Capital One Bank (a bank headquartered in McLean, Virginia) account, with the express intent of accessing the funds from the deposited check for her own personal gain, all while attempting to conceal her identity and the ownership and source of the illicit funds.

5. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

II. PROBABLE CAUSE

6. I believe that DELILAH AMAYA engaged in a scheme to deposit counterfeit checks into other individuals' bank accounts and then withdraw cash from those accounts before either the check-originating or check-depositing bank could detect and reverse the fraudulent activity.

7. On January 21, 2022, TD Bank reported that someone had created counterfeit checks using the account number and routing information from checks belonging to Victim Business 1 (VB-1), a restaurant in Arlington County, Virginia, within the Eastern District of

Virginia. VB-1's checks were stolen from a U.S. Postal Service blue mailbox located in the Eastern District of Virginia in late autumn of 2021. VB-1 maintained its business account at TD Bank, which suffered a financial loss of approximately \$68,686.65 due to this scheme. Counterfeit checks in this scheme were deposited into Capital One Bank accounts, and Capital One Bank calculated its losses in the case to be approximately \$10,000.

8. At all times relevant to this case, both TD Bank and Capital One were FDIC-insured, and Capitol One Bank was headquartered in McLean, Virginia.

9. Through my investigative efforts, I learned about Witness 1 (W-1), whose Capital One Bank accounts received deposits of fraudulent checks related to my investigation. I determined that someone created counterfeit checks supposedly issued by an institution called the "Florida Municipal Insurance Trust." Those counterfeit checks used VB-1's TD Bank routing number and account information.

10. Between September 15 and September 17, 2021, while W-1 was on a vacation in Miami, Florida, W-1 met a person — a "Lia Navarro" — who used the Instagram account "Richbichtings." The United States Postal Inspection Service interviewed W-1 in February of 2022 and April of 2023. W-1 claimed¹ never to have met "Lia" in person, but to have communicated with her first over a dating application, and then over Instagram messages and text messages by way of a phone number ending in 9702. On February 11, 2022, W-1 provided messages between "Lia" and her that took place over Instagram messenger and text message. On

¹ Inconsistent with the second interview (in April of 2023) and what W-1 has maintained since, during W-1's first interview (in February of 2022), she stated that she had met "Lia" in person at a night club in Miami. Consistent with her later interviews, W-1 claimed "Lia" used an Instagram account "Richbichtings" as one means of communicating after that first interview. W-1 has two prior criminal charges, one for criminal trespass and the other for marijuana possession with the intent to distribute.

June 5, 2023, Meta Platforms, Inc. (which owns Instagram) provided information including W-1's correspondence with "Richbichtings" as well as "Notrichyetbitch," both of which were usernames tied to account identifier 4635302401.

11. According to W-1, in September 2021, W-1 and "Lia" discussed how "Lia" was involved in the trading of cryptocurrencies, foreign currencies, etc., although the specifics were unclear. The two exchanged Instagram accounts and began following each other. According to W-1, the pictures on the Richbichtings page appeared to suggest that "Lia" was living an extravagant and expensive lifestyle in Miami. W-1 asked how "Lia" made so much money doing trades. According to W-1, "Lia" offered to get W-1 on "payroll" so that W-1 could make money too, by allowing "Lia" access to W-1's bank account and then paying a fee out of the returns on the investment of W-1's money. When W-1 later provided a copy of the conversations on Instagram between W-1 and "Lia" to law enforcement, this portion of the conversation was not present.

12. According to messages between the two, on October 15, 2021, at "Lia's" insistence, W-1 sent W-1's sensitive personally identifiable information and log-in information for W-1's Capital One bank accounts to Richbichtings. "Lia" told W-1 the purpose was to get W-1 on "payroll." During this conversation on Instagram, "Lia" referred to W-1 as a "client."

13. Between October 16 and 18, 2021, at "Lia's" insistence, W-1 sent a picture of the back of W-1's debit card to Richbichtings. W-1 also assisted "Lia" in accessing W-1's bank account by providing a bank two-factor authentication code to Richbichtings. "Lia" further convinced W-1 to mail her debit card to "Lia" at an address for a single-family home in Miami.

14. W-1 attempted to have the card sent, but when the card did not arrive in the mail, "Lia" convinced W-1 to get a new debit card from Capital One. W-1 agreed to hand-deliver a

new debit card to “Lia” in Miami, Florida, on October 28, 2021. After W-1 landed in Miami, “Lia” offered to send an Uber driver to pick up W-1’s debit card. W-1 agreed and gave the debit card to the Uber driver to deliver to the “drop off location.”

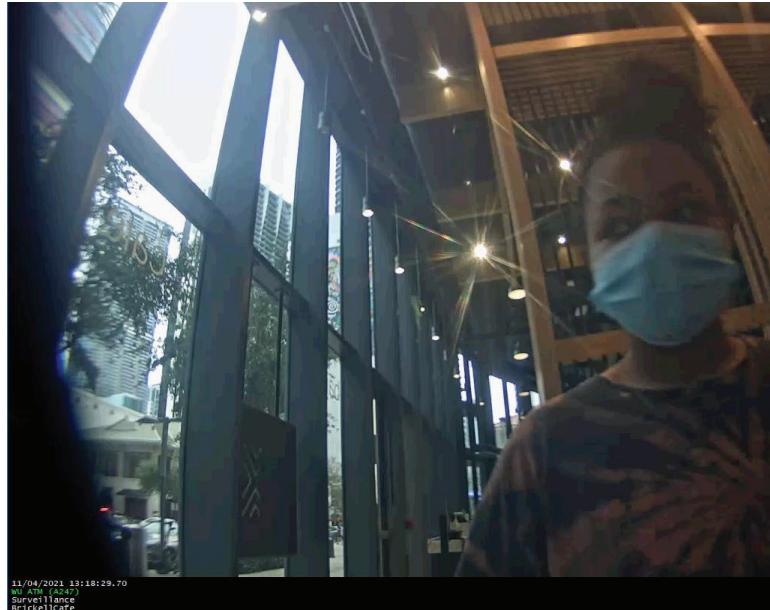
15. From October 28, 2021, (when W-1 provided the debit card to the Uber driver) until November 17, 2021, W-1 and “Lia” communicated over Instagram and text message using the 9702 number. W-1 repeatedly asked for updates on when W-1 could get the debit card back, access W-1’s own account, and collect any profit. “Lia” repeatedly reassured W-1 that the debit card would be returned soon, and W-1 would make thousands of dollars. According to W-1, this did not occur.

A. Check A

16. After W-1 shared her personal information and debit card account information with “Lia,” several counterfeit checks were deposited into W-1’s Capital One Bank account. The checks bore the Florida Municipal Insurance Trust company logo with VB-1’s TD Bank routing and account numbers at the bottom. The checks were made payable to W-1.

17. One check — “Check A” — was deposited via ATM using W-1’s debit card on November 4, 2021, at 1:19 p.m. at the Brickell Capital One Café (“the Brickell Café”), located at 850 S. Miami Ave., Miami, Florida. Check A was made out from Florida Municipal Insurance Trust to W-1 for \$18,214.35, and it bore VB-1’s account number and TD Bank routing number.

18. Capital One surveillance footage from the ATM (provided April 26, 2023) revealed the November 4, 2021, depositor to be a woman with light brown skin, hair styled in a bun, and a medical face mask concealing her face:



19. T-Mobile information (provided November 21, 2022) showed that, on the day of the deposit of Check A, the 9702 phone number accessed a cell tower at 1:06 p.m., 13 minutes before the deposit occurred. That cell tower is located one mile away from the ATM used in the deposit and 1.1 miles away from an apartment on Fifth Street in SE Miami (hereinafter the Fifth Street Apartment).

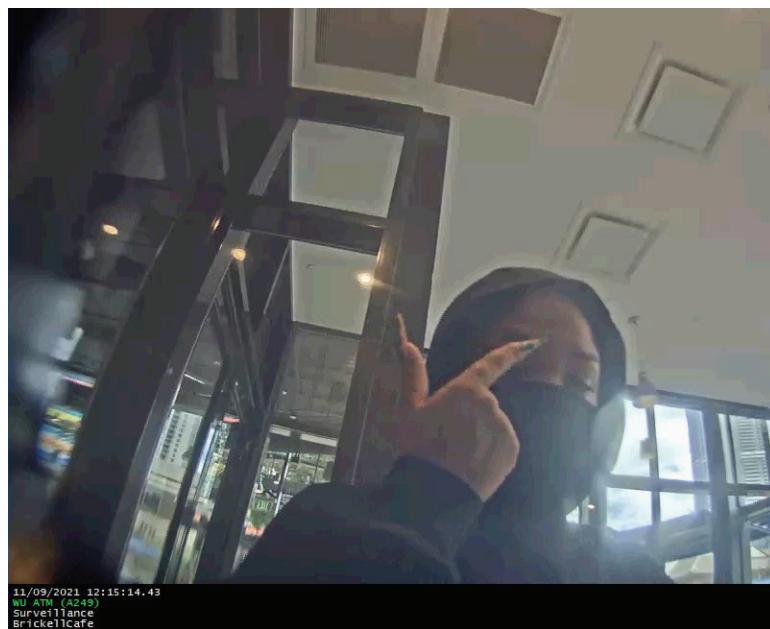
20. Capital One records of W-1's accounts then reveal significant withdrawals — all using W-1's debit card — over the following days: three withdrawals on November 5, 2021, between 2:49 a.m. and 2:53 a.m.; six withdrawals on November 5, 2021, between 4:51 p.m. and 4:56 p.m.; and three withdrawals on November 6, 2021, between 8:35 p.m. and 8:37 p.m. These withdrawals totaled \$23,591.40.

B. Check B

21. Another check — “Check B” — was deposited via mobile phone deposit at 7:33 p.m. on November 8, 2021. Check B, too, was made out from Florida Municipal Insurance Trust to W-1, and it bore VB-1’s account and routing numbers; this check was for \$22,589.77.

22. Capital One records of W-1’s accounts then reveal significant withdrawals — all using W-1’s debit card — the next day on November 9, 2021: five successful early morning withdrawals totaling \$10,409.75 between 5:15 a.m. and 5:47 a.m.; two midday \$500 cash withdrawals from the ATM at the Brickell Café between 12:15 p.m. and 12:16 p.m. totaling \$1000; and three nighttime withdrawals between 8:00 p.m. and 8:02 p.m. totaling \$6,245.85.

23. Surveillance footage from the Brickell Café ATM revealed the midday withdrawer to be a woman with light brown skin, a black hooded sweatshirt, a black face mask concealing her face, long artificial fingernails, and a hood protruding upward near the back of her head:



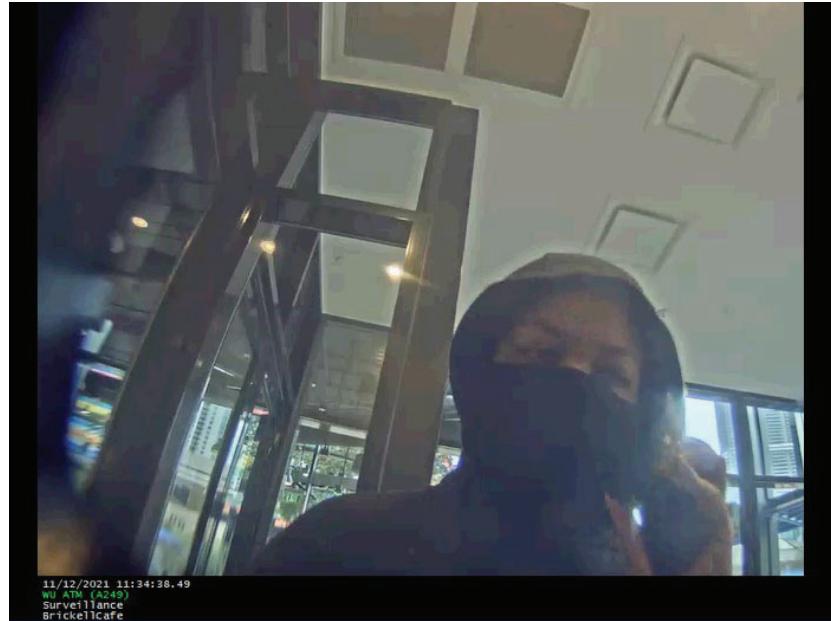
C. Check C

24. Another check — “Check C” — was deposited via mobile phone deposit at 9:13 p.m. on November 9, 2021. Check C, too, was made out from Florida Municipal Insurance Trust to W-1 and it bore VB-1’s account and routing numbers; this check was for \$9,962.88.

25. Capital One records of W-1’s accounts then reveal significant withdrawals — using W-1’s debit card — over the next several days: three successful early morning withdrawals totaling \$4,893.85 between 6:02 a.m. and 6:04 a.m. on November 10; three successful early morning withdrawals totaling \$4,983.85 between 4:59 a.m. and 5:01 a.m. on November 12; and two ATM withdrawals at 502 Brickell Ave. at 2:40 p.m. and 2:41 p.m. on November 13.

26. Between 11:32 a.m. and 11:34 a.m. on November 12, 2021, Capital One ATM footage shows an individual who — according to Capital One debit card records — successfully performed a balance inquiry at 11:32 a.m. and then attempted to do three withdrawals totaling \$1,420 between 11:33 and 11:34 a.m. Each of those three attempted withdrawals failed due to exceeding the withdrawal account limit.

27. The same Capital One ATM footage shows the individual engaging in a mobile phone call at 11:34 a.m., with the call continuing until the individual leaves the security camera’s field of view at 11:35 a.m.:



28. T-Mobile records reveal that the 9702 phone number received an incoming call at 16:34:38 UTC time (11:34:38 a.m. Miami time) on November 12, 2021. When the 9702 number received that phone call, it pinged a cell tower located at XXX SW 7th Terrace, Miami, FL 33130. That cell tower is one mile away from the Brickell Café where the recorded unsuccessful ATM withdrawals occurred.

D. Check D

29. A final check — “Check D” — was deposited via mobile phone deposit at 8:31 p.m. on November 15, 2021. Check D, too, was made out from Florida Municipal Insurance Trust to W-1, and it bore VB-1’s account and routing numbers; this check was for \$10,728.09.

30. Capital One records show that on November 17, 2021, W-1’s account (the same one that received Check D) made two Zelle peer-to-peer transfers to a “Delilah Amaya” Citibank account whose recipient token is damaya.0918@gmail.com: \$2,000 at 6:32 a.m. and \$500 at 6:37 a.m.

31. That same day, an individual made four \$500 cash withdrawals from the Brickell Café ATM between 8:14 a.m. and 8:17 a.m., totaling \$2000. Surveillance footage from the Brickell Café ATM revealed the withdrawer to be a woman with light brown skin, a black face mask concealing her face, a black hooded sweatshirt, long artificial finger nails, and hair in a bun:



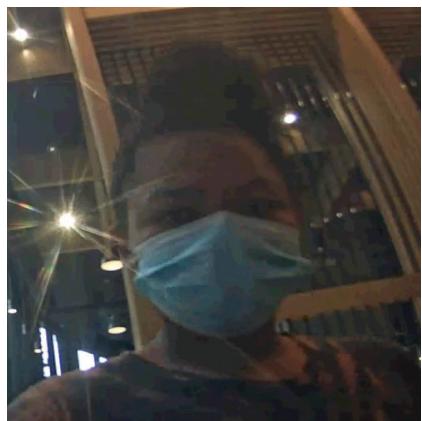
32. The final message between W-1 and “Lia” — via either Instagram or the 9702 number — in the messages provided by W-1 was on November 17, 2021. According to the Capital One account information provided in April 2023, W-1’s two Capital One accounts carried negative balances at that time — -\$5424.72 and -\$4,449.56.

33. As mentioned above, there were two Zelle transfers to Delilah Amaya from W-1’s account within days after Check D was deposited into the account. There is probable cause to believe that Delilah Amaya (born 2000) (hereinafter AMAYA) is the person depicted in the photographs above withdrawing the money from W-1’s account. In addition to the Zelle transfers, an IP address associated with the Instagram account that W-1 was using to communicate with “Lia” was traceable to an Internet service provider account for which AMAYA was the subscriber at an apartment in Miami.

34. Moreover, the phone number used (along with Instagram account “Richbichtings”) to communicate with W-1, (XXX) XXX-9702, was associated with a “Simple Mobile” cell phone activated August 9, 2021. A personal CitiBank debit card in AMAYA’s name was used to add minutes to this account in November 2021.

35. Your affiant obtained a copy of AMAYA’s driver’s license photo, and the person depicted in the photograph appears to be the same individual depicted at each of the transactions pictured above.

36. Amaya’s driver’s license photo (bottom left), the ATM footage of the November 4 counterfeit check deposit (bottom middle), and the ATM footage of the November 17 cash withdrawal using W-1’s debit card (bottom right) all appear to show the same person, who is also the November 9 ATM withdrawer.



III. CONCLUSION

37. Based on the foregoing, I submit there is probable cause to conclude that from around October 2021 through November 2021, DELILAH AMAYA knowingly executed a scheme and artifice to defraud a federally insured financial institution, in violation of 18 U.S.C § 1344, Bank Fraud. AMAYA did so by depositing one or more counterfeit checks containing stolen bank account information that belonged to a business located within the Eastern District of

Virginia. She deposited these counterfeit checks into a subject's Capital One Bank account with the express intent of accessing the funds from the deposited counterfeit check, those funds being in the custody of TD Bank and/or Capital One Bank.

Respectfully submitted,

Stephen J. Donaghey
Steve Donaghey
U.S. Postal Inspector
U.S. Postal Inspection Service

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) this 29th day of March, 2024, at 11:00 hours.

Lindsey R Vaala  Digitally signed by Lindsey R Vaala
Date: 2024.03.29 11:10:27 -04'00'

Hon. Lindsey R. Vaala
United States Magistrate Judge